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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/938,117

08/23/2001

Craig L. Ogg

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EXAMINER

BASS, JON M

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/938,117

Applicant(s)

OGG, CRAIG L.

Examiner

Jon Bass

Art Unit

3639

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,4,5 and 8-12.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.


**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

1. Applicants arguments filed on July 14, 2006 have been fully considered but are moot and are not found to be persuasive.
2. Applicant argues respectfully that it would not have been obvious to one skilled in the art the time the invention was made to modify Herbert's method in conjunction with Piece's invention. The applicant argues the interpretation of Herbert's invention as being directed to a method and apparatus for printing and preventing the copying of postage indicia using specialize ink that is rendered invisible when subjected to light and heat. In addition the applicant incorporates that Herbert is attempting to copy the imprint of a postage indicia on a mail item. The Examiner respectfully disagrees with the generalization of the invention by Herbert. The invention described and claimed by the applicant is examined in its broadest form. The examiner interprets the invention as follows:
  - A method for detecting fraud mail piece that includes a type of indicium.The method is as follows:
  - Printing a type of indicium onto a mail piece, the selected type of indicium identifies the mail piece is equipped with barcode, which allows the sender to be identified. A void marking is visible to indicate a fraud mail piece.The Examiner notes that Herbert's invention is directed to fraud detection. Herbert explains in great detail within the body of the patent application, for example, referring to page 3 lines 18-23 that ink which is invisible by the light for printing the postage indicia and for at least printing a "Void marking". This marking indicates that fraud or error has been detected. The mail piece is then handled accordingly. Herbert's invention relates to detecting the copying of postage indicia, which could result in financial loss to an authority located in column one, lines 25-36. Controlling fraud or controlling the copying of an indicium presented by Herbert is directly related with the applicant's invention due the reasons set forth on the previous office action and the additional reasons that present. In addition, referring to the published European Patent Application (EP 927956 A2), within the body of the invention by Perry Piece, it is taught on {page 2, 0007}, that the host produces the mail piece front including the return address and the Facing Identification Marking, which gives motivation to combine the two invention to mirror the invention of the Applicant to form an invention that detects fraud using FIM.
3. The Examiner notes that Pierce teaches in {column one, 0005}, that a PDF417 barcode is used to store data relating to sender, address, zip code, licensing type, data and the like to identify the mail item and the sender of the item. For at least this reason set forth, the rejection remains.
4. The Applicant argues that Piece does not teach or suggest that the bar code includes critical data, such as accounting. The Examiner notes that on {column 2 0005}, that the barcode is fully capable of gather data such as, date of mailing, amount of postage applied (accounting), ID, user ID (which identifies the sender), delivery point identification. For at least the reasons set forth the rejection remains.
5. The applicant addresses claim 1 and 5 should be allowable due to previously states arguments. The Examiner respectfully disagrees and continues the rejection.
6. The applicant addresses claim 4 and 8 should be allowable due to previously states arguments. The Examiner respectfully disagrees and continues the rejection.
7. The applicant addresses claim 11 and 12 should be allowable due to previously states arguments. The Examiner respectfully disagrees and continues the rejection.



Naresh Vig  
Patent Examiner  
AU 3629